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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement submitted by the National Anti-Poverty Organization, a non-governmental organization in special consultative status with the Economic and Social Council

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1988/4.

[30 September 1998]

GE.98-18563 (E)

1. The National Anti-Poverty Organization (NAPO) is a non-profit, non-partisan, organization representing the 5.2 million Canadians currently living below the poverty line. NAPO has approximately 3,000 members, including 700 groups. All members of the Board of Directors must currently live or have lived below the poverty line and reflect Canada's regional diversity. NAPO is recognized by media, Government and non-governmental organizations as the voice of poor people across Canada.

2. The purpose of this statement is to provide a non-governmental perspective on Canada's level of compliance with the International Covenant on Economic, Social and Cultural Rights. This submission will focus on the effects of Canada's compliance, or non-compliance, in relation to the estimated 5.2 million Canadians living in poverty.

3. After ratifying the International Covenant on Economic, Social and Cultural Rights in 1976, Canada made steady progress in satisfying its national and international commitments of alleviating poverty and equalizing income disparity in Canada. Legislative schemes such as the Canada Assistance Plan (CAP) and Established Programs Financing (EPF) were indicative of Canada's commitment to increasing social and economic equality for all Canadians. Taking incremental steps, government social and economic policies began to reflect the notion that Canadians should be able to assert some measure of right to income and social security.

4. Unfortunately, the past decade has seen Canada's economic and social policies dominated by a series of reversals at the legal, administrative and institutional levels, resulting in increased poverty and hardship for low-income Canadians. As we move into the next millennium, federal and provincial policies have peeled back many of the gains of the past 30 years. NAPO is gravely concerned that the Government of Canada has allowed poverty to re-emerge as one of the country's most serious social problems.

5. Regarding the general tenor of the Government of Canada's third periodic report to the Committee, NAPO is deeply disappointed that both federal and provincial governments have failed to provide sufficiently detailed accounts of policies, programmes and directives, many of which adversely affect low-income Canadians. NAPO submits that until the Government of Canada develops, adopts and publishes clearly defined time lines, targets and indicators for measuring federal and provincial compliance with the Covenant, the Committee on Economic, Social and Cultural Rights and the Canadian people are not getting the whole story.

6. In previous reports to this Committee, NAPO has highlighted its concern that deficit reduction policies disproportionately affect the poor. It is without pleasure that NAPO reports that its predictions and concerns are being realized. Dramatic reductions in Employment Insurance eligibility, reduced transfer payments to the provinces for social assistance, post-secondary education and health care, and the introduction of complex tax incentives which are of little or no use to the poorest Canadians, all indicate that the Government is more concerned with saving money than effectively tackling the increasing disparity between rich and poor in Canada.

7. Since implementing the Canada Health and Social Transfer (CHST) in 1996, the Federal Government has consistently reduced social and health transfer payments to the provinces. Provincial governments have in turn reduced or eliminated social programme funding and supports, in many cases downloading costs to municipal governments. The results have been inadequate social programme funding, a proliferation of user fees, and increased regional disparity within and amongst provinces.

8. The Federal Government refers to its commitment to develop, in consultation with the provinces, principles, values and objectives to underlie the CHST. To date, over two years after the CHST was introduced, Canada has not established national standards with respect to social assistance, post-secondary education or further national standards in the area of health care. On the contrary, the uncertainty of federal-provincial relations has caused increased discrepancies in social assistance rates amongst provinces, devastating cuts to social service supports and entitlements, alarming increases to post-secondary tuition, and general skepticism about the level of health care Canadians can expect as we enter the twenty-first century.

9. Regardless of constitutional jurisdiction, NAPO believes the Government of Canada has a responsibility to provide stable funding and leadership to ensure that Canada's social programmes reflect the needs of all Canadians. The Federal Government must ensure regional equity in social and health services and post-secondary education. NAPO demands that the Government follow through with promises to maintain adequate and stable funding and to establish national standards that include meaningful mechanisms for enforcement. If recent provincial changes to economic and social policies are indicative of the direction Governments are taking, voluntary compliance is not enough to protect vulnerable, marginalized and effectively disenfranchised low-income Canadians from falling deeper into poverty.

10. The right of Canadians to gain their living by work which they accept or choose freely has been flagrantly disregarded by a majority of provincial governments who have, or are in the process of, implementing "work for welfare" (workfare) programmes. British Columbia, Alberta, Saskatcheqan, Quebec, New Brunswick and, most recently, Ontario have all implemented workfare schemes. The Manitoba government is currently considering implementing a workfare programme. Workfare programmes instituted by provincial governments require welfare recipients to work in order to receive social assistance benefits. In most cases, if a recipient refuses to work without "just cause", their benefits are reduced or eliminated.

11. The requirement of work outside the home in exchange for social assistance benefits represents a fundamental shift in the nature and purpose of social programmes. It is NAPO's position that the political and economic freedoms of the individual are blatantly violated by workfare programmes.

12. With respect to the right to an adequate standard of living and the improvement of living conditions, all indicators show that low-income Canadians are losing ground. Living conditions for low-income Canadians are deteriorating and government support for the poor is declining. Poverty is more prevalent today than it has been in the last three decades, especially

for children. The incidence of food bank use is skyrocketing. The availability of social housing is shrinking. Homelessness is on the rise and emergency shelters are overcrowded.

13. As a result of financial cutbacks, legislative and regulatory changes, and jurisdictional downloading, most of Canada's urban centres are experiencing a critical lack of affordable, safe and secure housing. As low-income Canadians are forced to use scarce financial resources to pay higher shelter costs or risk homelessness, they are having to rely more on limited charitable community services for basic necessities such as food and clothing. In a country where an abundance of nutritious food is produced, it is unconscionable that low-income Canadians must turn to food banks in order to have their basic nutritional needs met.

14. In light of these blatant examples of disregard for the economic and social rights of low-income Canadians, NAPO respectfully appeals to this Committee to direct the Government of Canada to stop ignoring its obligations under the International Covenant on Economic, Social and Cultural Rights. Canada's federal and provincial governments ratified the Covenant in good faith. They must now demonstrate that their commitment is genuine by upholding promises made to the Canadian people over 20 years ago.

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SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status with the Economic and Social Council, and its member organization, the Palestinian Centre for Human Rights

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1998/4.

[19 October 1998]

GE.98-18878 (E)

1. The purpose of this report is to detail specific areas in which Israel has abrogated the economic, social and cultural rights of the Palestinian people in the occupied Palestinian territories (OPT) in contravention of its obligations under the International Covenant on Economic, Social and Cultural Rights.

Land confiscation and restrictions on land use

2. Since the beginning of the occupation in 1967, Israel has confiscated approximately 3 million dunams out of the 5.8 million dunams in the West Bank and the Gaza Strip, which represents about 53 per cent of the Palestinian areas. Under the Likud Government the building of new settlements, expansion of existing ones, and construction of bypass roads between the settlements has taken on a new life.

3. There are more than 150 settlements in the OPT and the total number of settlers is approximately 320,000. In the Gaza Strip alone there are 18 settlements with a population of 5,000 settlers.

Prevention of commercial transactions

4. As a result of the systematic policies of consecutive Israeli Governments since 1967, the Palestinian economy is heavily dependent on Israel. As a result, the economy is extremely vulnerable and unstable. With the continued refusal by Israel to establish the Gaza sea port, to open the airport and to activate the safe passages between the West Bank and the Gaza Strip, most of the Palestinian export and import activities are carried out through Israel.

5. As for sea fishing, the interim agreements state that Palestinian fishermen should be allowed to fish out to 20 nautical miles. In reality, the Israeli navy has not permitted fishing beyond 6 nautical miles. According to the Palestinian Ministry of Agriculture, the closure of the Gaza shore from 30 July to 7 August 1997 resulted in losses of US$ 30,000 per day.

Water dispossession and environmental pollution

6. There is a long list of violations committed by Israel and Jewish settlements against the Palestinian environment in various regions. The list includes:

The polluting of water supplies by chemical and organic substances emanating from settlements;

The dumping of solid waste in garbage dumps near Palestinian villages and towns;

The building of stone crushers in Palestinian territories being allowed by the Israeli Civil Administration;

The spraying of pesticides along the Israeli-Palestinian borders;

The uprooting of productive orchards.

7. Moreover, Israel deprives Palestinians of using their own water. Palestinian water resources are estimated at 750 million cubic metres, though they are only allowed to use 230 million. Therefore, the Israeli settlers use more than twice as much water as the Palestinians.

The policy of closure and its effect on Palestinian workers

8. The Israeli policy of closure, partial or complete, of the borders around the West Bank and the Gaza Strip has completely cut off these integral areas, both economically and socially. The practice of closures, which has been established in the last five years, is a systematic policy of collective punishment against the Palestinian people.

9. Palestinian workers in Israel have been facing economic hardship and a deterioration in living conditions as a result of the Israeli policy of closure, which denies them access to work in Israel. In Gaza alone, there was a total of 54 days of total closure in 1997, amounting to 15 per cent of the year with the remainder of the year characterized by intermittent partial closures. A total closure causes the loss of US$ 4-6 million per day.

Exclusion from existing occupational safety and social security schemes

10. Palestinian employees have no official or unofficial means of enforcing the requirements of the law upon their employers in Israel. In addition to this, the closures deprive those who have worked in Israel of their benefits: a three-month break in employment, for instance, causes the loss of national insurance benefits and indemnities.

Restrictive treatment of family reunification applications

11. The problems caused by the Israeli policy of approving only the "minimum possible number" of applications for family reunification is inherently connected to Israeli policies concerning the residency rights of Palestinians. Firstly, according to the current Israeli family reunification policy, the spouse of a Palestinian lawfully resident in the OPT is refused permission to live as a permanent resident with his/her spouse, save in "exceptional circumstances"; thus, the only way such a family can live together securely is to live outside the occupied territories. Secondly, military orders have decreed that permanent residence will be denied to the child of a father who is lawfully resident in the OPT if the mother is a non-resident; this is the case even if the child is born inside the OPT. Thirdly, even those who have the right of permanent residence can lose it due to arbitrarily imposed regulations concerning the length of time a Palestinian can stay abroad. Thus, spouses with residency status who choose to live abroad to be with their families are in danger of losing their right of residence.

Continuing deterioration of the living conditions in the OPT

12. As a result of the Israeli policy of closure, the living conditions in Palestine have deteriorated as never before. Statistics indicate that currently 10.5 per cent of the West Bank and 36.3 per cent of the Gaza population live in absolute poverty, a condition that has worsened for the poor since mid-1994.

Depriving patients of the right to receive medical treatment outside the Gaza Strip

13. As a result of the Israeli policy of closure, severe restrictions are imposed on the movement of Gazan patients and sometimes all access is denied. In such cases, many patients have died as a result of the prolonged delay at military checkpoints or because patients are denied permits. When patients are allowed permits to go to receive medical treatment, the journey is often so arduous (due to the long waits at the Israeli checkpoints) that the patient's condition often deteriorates further.

The continued suffering of Gazan students in the West Bank

14. Gazan students in the West Bank universities continue to suffer as Israel has deprived them of their right to reach their educational institutions. Since 26 February 1996, Israeli authorities have refused to allow more than 1,200 Gazan students to return to their universities in the West Bank. They have even been prohibited from staying in areas classified in the interim agreement as areas under Palestinian jurisdiction. The Israeli army issued a military order on 12 March 1996 stating that all Gazans in the West Bank should return immediately to the Gaza Strip. Those who have returned illegally face not only harassment from the Israeli authorities but also difficult living conditions and an unstable academic life.

Conclusion

15. The present report illustrates just a sampling of the grave human rights abuses suffered by Palestinians in the OPT. It is the contention of the submitting organizations that the abridgement of the rights delineated in the Covenant cannot be adequately examined until Israel upholds its responsibility to report on its application of the Covenant in the OPT.

16. Israel has directly breached the following articles of the Covenant:

(a) Article 1. Right to self-determination: right to pursue economic, social and cultural development, and right of persons to use their natural resources as they see fit;

(b) Article 2. Right to non-discrimination: right to enjoy individual rights without distinction, exclusion, restriction or preference;

(c) Article 6. Right to work: the constraints that have been placed upon the freedom of movement (art. 12) of Palestinian workers in times of closure prevent and obstruct the freedom to choose or access to a job";

(d) Article 7. Right to just and favourable conditions of work: workers should enjoy conditions that are both safe and healthy;

(e) Article 9. Right to social security: workers should enjoy social security benefits;

(f) Article 10. Right to family protection: the family should continue to function as the fundamental group unit of the society;

(g) Article 11. Right to an adequate standard of living and to the continuous improvement of living conditions: this includes the rights to adequate food, clothing and housing, not only for survival but as part of the enjoyment of an adequate standard of living. Furthermore, the right to adequate food encompasses equitable distribution in terms of both production and trade of food supplies in relation to the need;

(h) Article 12. Right to have access to health care, which encompasses the right to environmental well-being (to a safe and healthy environment);

(i) Article 13. Right to education: right to have access to the educational institution of one's choice.

17. We call upon the Committee to request Israel to report on the situation of economic, social and cultural rights in the OPT and, furthermore, to condemn the activities discussed in this report.